



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Text

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File #: SO2021-2002, Version: 1

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**FINAL FOR  
PUBLICATION**

### ORDINANCE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the C3-3 Commercial, Manufacturing and Employment District symbols and indications as shown on Map I-G in the area bounded by:

North Ogden Avenue; Union Pacific Railroad; North Elizabeth Avenue; and the south line of vacated West Kinzie Street;

to those of the DX-5 Downtown Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the DX-5 Downtown Mixed-Use District symbols and indications as shown on Map 1-G in the area bounded by:

North Ogden Avenue; Union Pacific Railroad; North Elizabeth Avenue; and the south line of vacated West Kinzie Street;

to those of a Business Planned Development.

SECTION 3. This Ordinance shall be in force and effect from and after its passage and publication.

Address: 400 N. Elizabeth, Chicago, IL  
EASTM81082867.4

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### **BUSINESS PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS**

1. The area delineated herein as Business Planned Development Number , ("Planned Development") consists of approximately 62,169 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). Mark. Goodman & Associates, Inc. is the "Applicant" for this Planned Development pursuant to authorization from the Property owner.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance (the "Zoning Ordinance"), the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Planned Development.

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Full width of streets
- Installation of northbound and southbound actuated left turn arrows on Ogden Ave at Elizabeth St
- Installation of southbound actuated left turn arrows, LED signal heads, and countdown pedestrian signals on Ogden Ave at Hubbard St
- Ogden and Hubbard intersection incandescent signal heads and countdown pedestrian signals to be replaced with LED signal heads
- Full width of alleys
- Curb and gutter
- Pavement markings

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- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

In addition, owing to the unique infrastructure challenges in the adjacent area, the Applicant has agreed to establish and fund an escrow in the amount of \$500,000 (the "Escrow Amount") prior to the issuance of any building permits (the "Traffic Mitigation and Neighborhood Beautification Fund"). The Traffic Mitigation and Neighborhood Beautification Fund will fund work to be performed by or at the direction of, and with the approval of, CDOT. These improvements will be determined by CDOT and could include the following in the discretion of CDOT and to the extent that required approvals can be obtained and that funds allow:

- If and when warranted, installation of a traffic signal at the intersection of Racine Avenue and Hubbard Street
- Signal modification from eastbound and westbound approaches to northbound and southbound approaches during weekday morning peak hours at intersection of Ogden Avenue and Grand Avenue
- Conversion of southbound Racine Avenue to one way at Kinzie Street
- Improved visibility of stop signs at Grand Avenue and Racine Street
- Landscaping along Hubbard Street north of Union Pacific railroad tracks
- Repairs to sidewalks and viaduct and installation of lighting and public art at Elizabeth Street viaduct

- Creation of pedestrian park at Racine Avenue and Kinzie Street

The Applicant's responsibility shall be limited to the Escrow Amount and any sums remaining in the Traffic Mitigation and Neighborhood Beautification Fund sixty (60) months following the issuance of a certificate of occupancy shall be remitted to the Applicant.

4. This Plan of Development consists of these 17 Statements; a Bulk Regulations and Data Table and the following exhibits and plans attached hereto prepared by Solomon Cordwell Buenz and dated October 21, 2021 (the "Plans"): an Existing Land Use Map; a Planned Development Property Line and Boundary Map; an Existing Zoning Map; a Site Plan/Landscape Plan; Base, Middle and Top Details; and Building Elevations (North, South, East and West). In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereof, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this

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Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Business Planned Development: General and Limited Restaurant, Tavern, Outdoor Patio (rooftop and at grade), General Retail, Food and Beverage Retail Sales, Liquor Sales, Medical Service, Office, Personal Service, incidental and accessory uses and accessory parking.
6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted floor area ratio (FAR) for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a net site area of 62,169 square feet and a base FAR of 5.0.

The Applicant acknowledges that the project has received a bonus FAR of 3.1, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 8.1. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17.4-1003-B & C, prior to the issuance of the first building permit for any building in the Planned Development; provided, however, if the Planned Development is constructed in phases, the bonus payment may be paid on a pro rata

basis as the first building permit for each subsequent new building or phase of construction is issued. The bonus payment will be recalculated at the time of payment (including partial payments for phased developments) and may be adjusted based on changes in median land values in accordance with Section 17-4-1003-C.3

The bonus payment will be split between three separate funds, as follows: 80% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopt-a-Landmark Fund and 10% to the Local Impact Fund. In lieu of paying the City directly, the Department may: (a) direct developers to deposit a portion of the funds with a sister agency to finance specific local improvement projects; (b) direct developers to deposit a portion of the funds with a landmark property owner to finance specific landmark restoration projects; or, (c) approve proposals for in-kind improvements to satisfy the Local Impact portion of the payment.

9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part 11 Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part 11 reviews, are conditional until final Part II approval.

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11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
13. the Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning

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Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

16. Prior to issuance of building permits, the Applicant will enter into a development and maintenance agreement (the "DEMA") with the City for the construction, maintenance, and management of the pedestrian walkway as noted on the Plans. The DEMA obligations shall be binding upon the Applicant, its successors and assigns. The Commissioner is hereby authorized to enter into the DEMA and all other documents contemplated by this Statement 16 and, in his/her sole discretion, may modify by minor change the foregoing requirements, without further City Council approval, for the DEMA(s) so as to permit alternate forms of achieving compliance with the Applicant's construction, maintenance and management obligations such as, by means of example and not limitation, one or more restrictive covenants or owners' reciprocal easement and operation agreements in form and substance acceptable to the City which expressly grant the City necessary enforcement, self-help and lien rights as may be necessary to assure compliance with this Statement.

17. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to the DX-5 Downtown Mixed-Use District.

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**BUSINESS PLANNED DEVELOPMENT NO.**

**BULK REGULATIONS AND DATA TABLE**

Gross Site Area (sf):

Area of Public Rights-of-Way (sf):

Net Site Area (sf):

Maximum Unit Count:

Maximum Floor Area Ratio:

Minimum Off-Street Parking Spaces:

Bicycle Parking Spaces:

Minimum Off-Street Loading Spaces:

Maximum Building Height:

Minimum Setbacks:

78,048 15,879 62,169 0

8.1

123

28

2(10'x25') 270'

In conformance with the Plans

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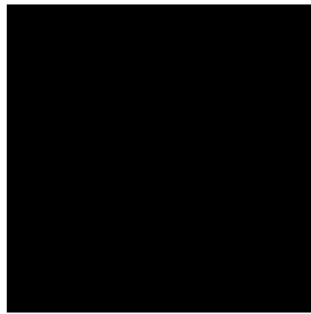
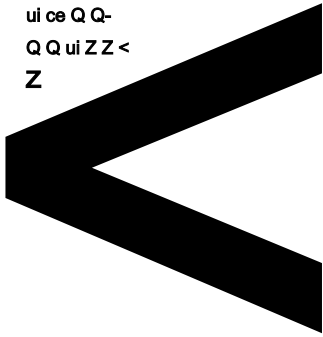
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**APPLICATION NO. 20712**

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF  
CHICAGO

**MEMORANDUM**

To: Alderman Tom Tunney  
Chairman, City Council Committee on Zoning

From: ^ -^f^^- U\ G'/J Maurice D.  
Cox ~~/ Chicago Plan Commission

Date: October 21, 2021

Re: Proposed Business Planned Development - 400 N. Elizabeth St.

On October 21, 2021, the Chicago Plan Commission recommended approval of the proposed Planned Development, submitted by Mark Goodman & Associates, Inc. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Joshua Son at 312-744-2780.

Cc: PD Master File (Original PD, copy of memo)

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